

Town of Nolensville
Board of Mayor and Aldermen Meeting
Date: November 9, 2007, Time 12:15 p.m.
Nolensville Elementary School

Mayor Beth Lothers opened the meeting at 12:19 p.m. Members present were Mayor Lothers, Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger and Ken Thomas. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Engineer Don Swartz and Recorder Cindy Lancaster. There was 1 citizen present.

Mayor Lothers noted that staff had requested cost breakdowns of possible corrections to the grade error on the Rocky Fork Realignment plans prior to the last Board meeting. This was not accomplished although an approximation was received on Friday the next day. She requested a written cost proposal by today so the BOMA could review it; however, the contractor had still not secured the fill material to verify the cost.

Mayor Lothers noted that a \$34,000 figure was mentioned previously, but it appears that the fill material costs may be significantly higher. She noted that at the completion of the road the Town may be able to recoup some of the money from the parties where the error originated.

Mr. Don Swartz, Town Engineer addressed the Board noting that when the survey was prepared it was three feet off. He noted that information supported they thought the site was three feet higher.

Mr. Swartz addressed the possible options. He noted that the road could be redesigned but that there would be drainage and utility issues and he recommended against that option.

Mr. Swartz stated that the Town requested that Clifton King submit another solution. Mr. King introduced some vertical curves, but staff opted not to implement it due to various concerns. Therefore a new solution has been proposed.

Mr. Swartz stated that the solution would require three feet of fill material and they have already placed their sub base. The first time the Town spoke to our engineering consultant, he felt this cost would be \$34,000-\$38,000. Mr. Swartz stated that they have now said the increase could cost the town from \$106,000 - \$108,000, depending on where they could purchase the fill. The cost is reduced if the fill is found locally. This most recent information was received from Florence and Hutcheson this afternoon.

Mr. Swartz stated that the other issue is a drainage pipe under Nolensville Road just east of Clovercroft Road and this drainage was not accounted for in the redesign. Currently, staff is looking at ways to keep the drainage solution inside the right of way.

Mr. Swartz stated that a solution would be to install a junction box to bring it down 200-280' so that it could be in the right of way. He noted that the cost estimate for this would

be \$17,000-\$18,000. Mr. Swartz stated that if the Town chooses not to do it this way, the town might have to look at purchasing more land from Mr. Shuff. He stated that if it were constructed with the recommended pipe method, it would be a little more flat which would be more appropriate.

Mayor Lothers stated that with the initial change order, the town was approximately \$18,000 ahead of budget. She noted that the Board can give approval up to a certain amount, or may choose to reconvene once the actual breakdown is received.

Alderman Curtsinger said that Mr. Swartz discussed drainage pipes and wanted clarification if it came from Wilson's property or if it was the cemetery.

Mr. Swartz stated that the drainage was from both properties. The water begins in the ditch adjacent to Mr. Wilson's property and is piped under Clovercroft Road onto the cemetery property. From there it is piped under Nolensville Road onto the east side. Mr. Swartz stated that it was his understanding that Mr. Wilson had been in conversations with Stantec Engineering in an attempt to resolve an issue with his property. He noted that there are complications on that road that are not associated with Rocky Fork Realignment. Engineer Swartz stated that they would connect a junction box. It is not a normal drainage pipe. He stated that normally it is about 18", however, the Town is going to increase this to 24."

Alderman Curtsinger asked if the Town needed approval from TDOT. Mr. Swartz concurred. Alderman Curtsinger asked if there was anything further the Town needed to do. Mr. Swartz stated that the 24" pipe should be sufficient.

Alderman Thomas stated that he would be in favor of setting an amount for the Mayor so that the town could move forward with the project. Alderman Alexander stated that he would rather wait and have another meeting.

Alderman Curtsinger noted that he would like to readdress the grading issue. He inquired as to who submitted the plans. Mr. Swartz stated that Clifton King had submitted the plans. Alderman Curtsinger asked if the cost would go back to his firm. Mr. Swartz noted that the responsibility would fall on the design engineer, Clifton King. Alderman Alexander noted that the Town has legal options.

Counsel Notestine noted that there would be some discussions regarding legal responsibility. He noted that the best way to handle this is to wait until completion of the project in case other issues arise during the process.

Alderman Curtsinger inquired about the pricing. Mr. Swartz stated that the Town could request a lump sum or unit price. Alderman Curtsinger asked how many dollars is the Town prepared to give for example per barrel. He stated that he feels the Town would be hung out there if that price were not obtained. Mr. Swartz stated that he could not speak for the contractor, but he would assume they would charge the Town what they are charged.

Alderman Curtsinger asked if the contractor gets an automatic extension. Mr. Swartz stated that clearly this has been beyond the contractor's control, and would assume he would be allowed reasonable time.

Mayor Lothers noted that the contractor stated that he has been looking for local fill. He initially had not anticipated additional fill. The cost will depend on how far they have to haul the fill and if they have to rely on more expensive rock fill from Murfreesboro. Counsel Notestine noted that if the Town feels like someone is not being fair in regards to price, it could be re-bid. Alderman Curtsinger asked if the contractor gets an automatic extension. Alderman Dugger stated that he felt it depends on how fast this Board moves. He said that if this Board doesn't give the Mayor the authority to act, then the Town is slowing the process.

Alderman Thomas stated that he felt it would be good to give that authority to the Mayor to keep the project moving. Alderman Alexander stated that with this consideration he is retracting his former statement. He stated that he understands Alderman Dugger and Thomas' logic.

Alderman Dugger noted that the Town doesn't know what the price per barrel was initially. Mr. Swartz stated that the initial fill was used from a related Jones company site at Catalina. Mr. Swartz stated that from the conversations that he has had with the contractor, they would like to get this finished and move along.

Alderman Curtsinger inquired about what fill costs have been made to date. Mayor Lothers said she would get this information to the Board.

Mr. Swartz added that there has been concrete testing on the bridge. Once this data is received, the Town will have an accurate number. He noted that payment would be held, until this data, along with several items of information are received.

Mayor Lothers noted that there are issues in regards to Mr. Moon and Mrs. Green's property. She noted that the Town Attorney has sent a letter to Mr. Moon's attorney. She noted that Clifton King's plans show Mr. Moon is the property owner in most of the area, although a portion of the right of way dedicated to the town does not belong to Mr. Moon.

Alderman Curtsinger asked if the County is aware of this situation. Mayor Lothers stated that she has been in contact with Mr. Joe Horne, in addition to Mayor Anderson. She noted that there have been changes along the way as the purpose this road was for signalization. She noted that with the first plan TDOT reviewed she was advised that the plan was not sufficient. She noted that every request the Town has made from Clifton King, they have responded.

Alderman Dugger noted that the Town accepted the plans, but the right of way was falsely dedicated. Alderman Curtsinger asked who had done the survey. Mayor Lothers

said that the original survey work was done by H & H for Clifton King. There were allegedly several surveyors involved with the project. All information presented to the Town indicated Moon as property owner. She noted that when the Town did its survey, it went to Kirk Duclos. He missed that Mr. Moon was not the property owner as possibly others had. She further added that she was not placing blame. Alderman Dugger stated that he did not feel she was placing blame, just stating facts. He noted that Mr. Moon did not own that right of way. Mayor Lothers stated that we might need our attorney and the County Attorney to meet and discuss this issue.

Alderman Dugger stated that if he did not have the right of way to give, he did not fulfill the County obligation and maybe they could stop issuing building permits on Silver Stream.

Mayor Lothers stated that they could say that the design issues should have been caught prior to the Town's original acceptance of the plans and that this right of way was due to a redesign for signalization. She noted on every plan the Town has, it states that Mr. Moon is the property owner. She noted that the Town has acted in good faith on this issue.

Mayor Lothers stated that she wanted to update the Board that she had met with County Mayor Anderson and staff regarding the original roadway plans for no eastern access to the park. She pointed to a presentation that was prepared regarding the issue. It was agreed that eastern access is important. Mayor Lothers noted that contact was made with a property owner for a park entrance off Newsome Lane, but the owner wanted many times over what the property appraised for. Although it is not a first choice, another option is to use the existing asphalt without shutting down the new road. She then passed out a design for the Board to review.

Mr. Swartz noted that this is very rough conceptual sketch. He reminded the Board of the issue in regards to traffic on new Rocky Fork Road and Newsome Lane. Mr. Swartz stated that his concern was that it is poor engineering to have two intersections that close. He stated that for this to work vehicles would have to be prevented from accessing the park from the realigned road. With this plan you can turn right or left off of Newsome Lane. He noted that this would allow full access from the subdivision to the park and from the park to the subdivision. It would also allow those leaving the park who wanted to access the realigned road to do so. There would be adequate signage to let the traffic know the direction that they could and/or could not go.

There was extensive discussion on various variations to alleviate car stacking.

Alderman Alexander asked how the Board gets this initiated. He noted that the engineer must begin as soon as possible. Mr. Swartz suggested getting proposals in order to get estimates to the Town.

Alderman Alexander made a motion to allow Mr. Swartz to initiate the proposal process, Alderman Thomas seconded. Alderman Curtsinger asked that the Board see the engineer's proposals and ideas.

The vote was taken and this was approved unanimously.

Mayor Lothers said that she wanted to thank everyone she had met with at the County and everyone involved in that process.

Mayor Lothers asked the Board if they wanted to come back and meet to give approval on the fill material cost. Alderman Thomas stated that with authorization I trust Mr. Swartz and the Mayor that they will make the best decision. He further stated that he had full confidence that they wouldn't over spend.

Mayor Lothers asked Mr. Swartz, based upon his knowledge, what amount would he suggest to the Board as a realistic figure. Mr. Swartz stated that they have given him figures of \$106,000 - \$108,000. Mr. Swartz added that as part of the change order process, schedules could be discussed in addition to price. He stated that he did not know how to advise the Board and had hoped to have this information by today.

Mayor Lothers made a motion to authorize her to enter into an agreement up to \$100,000, Alderman Thomas seconded.

Alderman Curtsinger stated that he could not understand why Florence and Hutcheson could not tell the Town a quantity yet. He said he was uncomfortable approving an increase, in addition to this issue of right of way.

Alderman Alexander stated that he agreed that it is not the ideal situation, but we need to keep it going. Alderman Dugger stated that he felt Don and the Mayor are going to work for the best of the Town. He asked that the information be passed along to the Board when the exact amount is discovered.

The vote was taken and this was approved unanimously. Alderman Curtsinger stated that he wanted to go on the record stating that he is not comfortable with this, although he voted in favor of it.

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The meeting adjourned at 1:35 p.m. by acclamation.

Respectfully submitted,

Cindy Lancaster

Approved,

Beth Lothers

Town Recorder

Mayor